



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Information Systems & Networks Corporation

File: B-237687

Date: February 22, 1990

Steven B. Asch, for the protester.
Mary Ann Mayhew for Computer Data Systems, Inc.; Leslie T. Keith, for Resource Consultants, Inc.; and Jerome C. Barenti, for Tidewater Consultants, Inc., interested parties.
Ellen D. Washington, Esq., Department of the Navy, for the agency.
Paul Jordan, Esq., and John F. Mitchell, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protester was properly excluded from the competitive range where the agency reasonably concluded that the offeror had no reasonable chance of award because of deficiencies in proposed resumes and because of its otherwise low technical score and high price.

DECISION

Information Systems & Networks Corporation (ISN) protests the exclusion of its proposal from the competitive range under request for proposals (RFP) No. N66032-88-R-0004, issued by the Department of the Navy for automatic data processing (ADP) support services. ISN contends that the evaluation of its proposal was inaccurate and that its deficiencies should have been the subject of discussions rather than a basis for excluding it from the competitive range.

We deny the protest.

The ADP services sought by the RFP included software development and maintenance, system design, systems analysis, and training to be performed at the Naval Regional Automation Center. The contract, when awarded, will be for a 1-year term with four, 1-year options and will be an indefinite delivery, indefinite quantity contract with

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fixed-price and time and materials components. Proposals were to be evaluated in three areas, which in descending order of importance, were: Personnel, Contract Management, and Corporate Experience. Award was to be made to the responsible and technically acceptable offeror whose proposal was most advantageous to the government, price and other factors considered.

With regard to the "Personnel" factor, which was twice as important as "Contract Management," offerors were instructed to submit 69 resumes in 13 labor categories. Each resume was to clearly and completely document that individual's education and experience level. Minimum experience and education requirements were set forth in the statement of work. Offerors were expressly advised that specialized experience was more important than general experience.

ISN was one of more than 10 offerors to submit proposals by the closing date of April 22, 1988. Proposals were evaluated and discussions conducted in June 1989. During discussions, ISN was informed that the evaluation team could not evaluate its resumes because it had submitted nearly double the requested number (120), it had failed to include month and year of employment, some resumes were for categories other than those required by the RFP, and it was impossible to tell the positions for which the resumes were submitted. ISN was also informed of minor costing errors and contractual information deficiencies. All offerors were advised that the agency did not intend to conduct a second round of discussions prior to requesting best and final offers (BAFOs).

In its revised proposal, ISN provided the correct number of resumes, included months and years for employment experience, and clearly identified which resumes pertained to each labor category. Upon evaluating the resumes, however, the source selection evaluation board found five of the resumes submitted for the labor categories of senior computer sciences analyst and senior technical specialist did not show the minimum required specialized experience. As a result, the board determined that ISN's proposal was technically unacceptable.

On September 27, the contracting officer made a competitive range determination which eliminated ISN. The contracting officer based her determination on the fact that ISN's proposal was technically unacceptable and that it ranked last both as to technical score--more than 200 out of 1,000 points below the highest technically rated offeror--and as to cost--ISN's proposed cost being more than twice the proposed cost of the lowest offer. After receiving notice

of its elimination from the competitive range, ISN filed a protest with the agency. When that protest was denied, ISN filed its protest with our Office.

ISN contends that its resumes met the RFP's experience criteria. It also contends that any perceived deficiencies in the five resumes could easily be corrected. It concludes that it was improperly eliminated from the competitive range. We disagree.

The evaluation of technical proposals and the resulting determination as to whether an offer is in the competitive range is a matter within the discretion of the contracting agency, since that agency is responsible for defining its needs and the best method of accommodating them. IRT Corp., B-227963, Oct. 28, 1987, 87-2 CPD ¶ 411. In reviewing an agency's technical evaluation, we will not reevaluate the proposal, but instead will examine the agency's evaluation to ensure that it was not arbitrary or in violation of the procurement laws and regulations. Id.

According to the RFP, the minimum requirement for a senior computer sciences analyst is 10 years of recent and specialized experience in all aspects of large scale, complex computer systems and in the state-of-the-art use of minicomputers and microcomputers. The selection board found that two of the proposed analysts had more than 10 years of employment experience, but determined that each had less than the minimum specialized experience required. For example, the board discounted one analyst's 13 years of experience as an Army field artillery officer with operational control of military personnel and operations as not meeting the required specialized experience in computers. Consequently, it found less than 9 years of qualifying experience. With regard to the senior technical specialist positions, the RFP required a minimum of 9 years of recent and specialized experience in advanced ADP technology involving the development of system applications on small to large scale digital computers, microcomputers, and minicomputers. While the board found three of the proposed personnel each had more than 9 years of employment experience, it determined that each had less than the required specialized experience. For example, one specialist's 10 years of electronics experience, including design and documentation of various electronic instruments and devices, was discounted by the board as not meeting the specialized experience in advanced ADP technology. As a result, less than 9 years of qualifying experience was counted. We have reviewed the board's evaluations and find no basis in the record for concluding that they were unreasonable or not in accordance with the stated evaluation criteria.

We also find that the contracting officer reasonably excluded ISN from the competitive range. The purpose of a competitive range determination in a negotiated procurement is to select those offerors with which the agency will hold written or oral discussions. Federal Acquisition Regulation (FAR) § 15.609(a) (FAC 84-16). We have consistently defined the competitive range as consisting of all proposals that have a "reasonable chance" of being selected for award, that is, as including those proposals which are technically acceptable as submitted or which are reasonably susceptible of being made acceptable through discussions. Information Sys. & Networks Corp., B-220661, Jan. 13, 1986, 86-1 CPD ¶ 30.


In determining the competitive range, it is an acceptable practice to compare the evaluation scores and an offeror's relative standing among its competitors and to exclude a proposal that is technically acceptable or capable of being made so when, relative to other acceptable offers, it is determined to have no reasonable chance of being selected for award. See Systems Integrated, B-225055, Feb. 4, 1987, 87-1 CPD ¶ 114; Information Sys. & Networks, B-220661, supra. In addition, the fact that a proposal was initially included within the competitive range does not preclude the agency from later excluding it from further consideration where there is no reasonable chance of its being selected for award. Space Communications Co., 66 Comp. Gen. 2 (1986), 86-2 CPD ¶ 377.

Here, the protester's technical scores in all evaluation factors placed it last among the offerors. ISN's proposal was technically acceptable in the Corporate Experience and Contract Management factors, but its resume deficiencies prevented it from receiving an overall acceptable rating. While ISN contends that it could easily have resolved the deficiencies through negotiations, we do not find it was prejudiced by being excluded from the competitive range and further discussions. According to the Navy, even if ISN had been provided an opportunity to correct its resume deficiencies, and had received a perfect score for those resumes, it would only come up one position in relative standing. Thus, we agree with the Navy that ISN had no reasonable chance for receiving the award based on technical merit. See Levine Assocs., Inc., B-228543, Feb. 5, 1988, 88-1 CPD ¶ 117. Moreover, in view of ISN's high cost relative to the other offerors' initial proposals and BAFOs, we find that ISN

could not reasonably be expected to lower its price sufficiently to have a reasonable chance for award. See Rosser, White, Hobbs, Davidson, McClellan, Kelley, Inc., 66 Comp. Gen. 169 (1986), 86-2 CPD ¶ 714. Therefore, we find that the contracting officer reasonably excluded ISN's proposal from the competitive range.

Since ISN was properly excluded from the competitive range, the agency was not required to conduct further discussions with it. FAR §§ 15.609, 15.610. Thus, we find no merit in its protest of a lack of discussions concerning its resumes.^{1/}

The protest is denied.


for James F. Hinchman
General Counsel

^{1/} To the extent ISN is complaining that the initial discussions with it were not meaningful because the agency did not identify the experience deficiencies, we disagree. In view of ISN's submission of nearly twice the required number of resumes, failure to include months and years of experience, and failure to make clear to which labor category each resume pertained, the agency was effectively prevented from identifying the experience deficiencies and conducted meaningful discussions by pointing out the deficiencies it did. See Training and Management Resources, Inc., B-234710, June 29, 1989, 89-2 CPD ¶ 12 (agencies must generally lead offerors into the areas of their proposals which require amplification).